

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 3:09-CR-272
	:	
v.	:	(Judge Conner)
	:	
MARK A. CIAVARELLA, JR.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 24th day of August, 2020, upon consideration of the court's decision of January 8, 2018, granting in part and denying in part the Section 2255 motion (Doc. 322) by defendant Mark A. Ciavarella, Jr., and vacating his convictions on Counts 1, 2, and 21 of the superseding indictment, see United States v. Ciavarella, No. 3:09-CR-272, 2018 WL 317974 (M.D. Pa. Jan. 8, 2018), aff'd, 765 F. App'x 855 (3d Cir.) (nonprecedential), cert. denied, Ciavarella v. United States, 140 S. Ct. 282 (2019) (mem.), and further upon consideration of the parties' briefs in support of and in opposition to Ciavarella's request for resentencing *de novo* on the remaining counts of conviction in light of the *vacatur* of Counts 1, 2, and 21, (see Docs. 386, 387, 394, 395), and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

1. Ciavarella's request for resentencing *de novo* is DENIED, and the judgment (Doc. 272) in this case, except as modified on direct appeal and by this court's order (Doc. 363) of January 8, 2018, shall remain in effect.

2. To the extent a certificate of appealability is implicated under 28 U.S.C. § 2253(c)(1), it is DENIED as the court finds that Ciavarella has not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); see also 28 U.S.C. § 2255 Rule 11(a).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania